

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 16, 1998**

## DIVISION ONE

B106486      Major Clients Agency      (Certified for Publication)  
v.  
Diemer

Since appellant cannot state a viable cause of action against respondent for equitable indemnity, the trial court's ruling was correct. We affirm.

Dunn, J. (Assigned)

We concur: Spencer, P.J.  
Ortega, J.

## DIVISION TWO

B116305      Aguirre-Alvarez, et al.      (Certified for Publication)  
v.  
Regents of the University of California

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

## DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B116301 People v. Ajedo  
B114291 People v. Barrow  
B116174 People v. Ruiz  
B117735 People v. Gomez  
B113894 People v. Hamby  
B125818 Vera B. v. S.C.L.A.  
B126103 Kerry L. v. S.C.L.A.  
B117417 People v. Jessie W.  
B114497 People v. Wilson  
B115484 People v. Christian G.

Argument waived, cause submitted.

B112088     People  
              v.  
              Reliford

Merits:

Argued by William L. Heyman for appellant and by Margaret E. Maxwell, deputy attorney general for respondent. Cause submitted.

B108693     Fortensky, et al.  
              v.  
              National Enquirer, Inc.

Merits:

Argued by John Garrick for appellant and by Gerson Zweifach for respondent. Cause submitted.

The court recessed at 10:25 A.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

B109924     Martin  
              v.  
              Grau, et al.

Merits:  
Argued by David B. Burman for appellant and by Brad Bleichner for respondent. Cause submitted.

B120563     People  
              v.  
              Jessie B.

Merits:  
Argued by Fred Klink, deputy district attorney, for appellant and by Michael Theberge, deputy public defender, for respondent. Cause submitted.

B101582     Film House International  
              v.  
              Trans Atlantic Distributors, et al.

Merits:  
Argued by Paul Hittelman for appellant and by Martin Stanley for respondent. Supplemental letter brief due by respondent on November 23, 1998, response due by appellant on December 2, 1998. Submission deferred.

B098069     City of Santa Monica  
              v.  
              So. California Gas Company, et al.

Merits:  
Argued by Jamiel G. Dave for appellant and by Roy G. Weatherup for respondent. Cause submitted.

The Court adjourned at 3:25 P.M.

DIVISION FOUR

B113482 People (Not for Publication)  
v.  
Walker

### The Court:

For the foregoing reasons, the judgment finding appellant in violation of his probation and sentencing him to prison is reversed and the matter remanded for new probation revocation and sentencing proceedings.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

B117501 People v. Washington (Not for Publication)

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

B118953 People (Not for Publication)  
v.  
Barron

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

## DIVISION FOUR (Continued)

B118888 People (Not for Publication)  
v.  
Villasenor

### The Court:

For the foregoing reasons, this matter is remanded for resentencing on the Penal Code section 667.5, subdivision (b) enhancements only, and in all other respects the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

November 16, 1998-Continued

## DIVISION FOUR (Continued)

B119829 People (Not for Publication)  
v.  
Gilbert

### The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

DIVISION SIX

B116554      People  
v.  
Bivens

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B122659 In re William H. Iles on Habeas Corpus (Not for Publication)

The order under review is affirmed.

Stone, P.J.

We concur:    Gilbert, J.  
                              Yegan, J.

DIVISION SIX (Continued)

B120434 People (Not for Publication)  
v.  
Ambirz

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Yegan, J.

[illegible]

The dispositional order is affirmed.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

## DIVISION SEVEN

B116177 People (Not for Publication)  
v.  
Green

The convictions for counts 1, 2, 5, and 6 are affirmed. The sentence is vacated. The matter is remanded to the trial court for further proceedings consistent with this opinion.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

DIVISION SEVEN (Continued)

[illegible]

The finding of two five-year enhancements for the burglary convictions in case No. A628964 is vacated, and the court upon remand shall make a finding there was only one Penal Code section 667, subdivision (a)(1) enhancement for these two prior residential burglary convictions. The sentence is also vacated. The cause is remanded for the court to resentence appellant in conformity with *People v. Superior Court (Romero)*, *supra*, 13 Cal.4th 497 and *People v. Dotson*, *supra*, 16 Cal.4th at p. 560. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B114416 People (Not for Publication)  
v.  
Christopher M.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                              Johnson, J.



DIVISION SEVEN (Continued)

B115743      20th Century Ins. Company      (Not for Publication)

v.  
Municipal Court of The State of Calif.  
Johnson

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

B115044      Koretoff, et al.      (Not for Publication)

v.  
Dewey Ballantine, et al.

The summary judgment as to the claims of professional malpractice and breach of fiduciary duty are reversed. Appellants are awarded costs on appeal.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B119813      Hunt, et al.      (Not for Publication)

v.  
James, et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

November 16, 1998-Continued

DIVISION SEVEN (Continued)

B121586 Williams (Not for Publication)

V.

County LA Civil Service Commission

Ogundipe

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.

Neal, J.